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*Secretary for
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Protection*

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF APPLICATIONS 31384 AND 31443 TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31384
APPLICATION: 31443

DATE FILED: January 21, 2003
DATE FILED: September 8, 2003

Notice is hereby given that Mountain Springs Golf, LLC has filed applications for a water right permit to divert water from Unnamed Stream tributary to Sullivan Creek, Flores Creek tributary to Curtis Creek, and Sullivan Creek tributary to Don Pedro Reservoir thence Tuolumne River in Tuolumne County. This is one project covered by two applications for one common place of use, mainly with irrigation as a purpose of use. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the applications and, if so, whether conditions are needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the applications. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Mountain Springs Golf, LLC
c/o Wagner & Bonsignore
Consulting Civil Engineers
444 North Third Street, Suite 325
Sacramento, CA 95814

APPLICATION: 31384

Description of Project

The applicant seeks a right to collect water behind four existing Reservoirs #1, 2, 6, and 7, having a proposed combined capacity of 99 acre-feet. Reservoir #1 has a 17-foot-high dam forming a five acre-feet capacity onstream reservoir with a surface area of one acre. Reservoir #2 has a 24.9-foot-high dam forming a 25 acre-feet capacity onstream reservoir with a surface area of 2.5 acres. Reservoir #6 has a 24.9-foot-high dam forming a 49 acre-feet capacity onstream reservoir with a surface area of 4.5 acres. (The applicant proposes to enlarge Reservoir #6 under Application 31443.) Reservoir #7 has a 19.5-foot-high dam forming a 20 acre-feet capacity onstream reservoir with a surface area of two acres. In addition to reservoir inflow, supplemental water is diverted to Reservoirs #1 and 2 from Points of Diversion (POD) #8. POD #8 is currently used to divert water purchased by agreement with the Tuolumne Utilities District. POD #9 is proposed to install an offset well and a pipeline system to Reservoirs #4 and #5. The applicant currently holds licensed Application 20590 authorizing the storage of 133 acre-feet of water in Reservoirs #3, 4, 5. All reservoirs except Reservoir #7 are inter-connected by pipeline system and capable to move waters

from reservoir to reservoir. Water collected in Reservoirs #1, 2, 6, and 7 under Application 31384

California Environmental Protection Agency

will be diverted through, but not stored in Reservoirs #3, 4, and 5 as part of the irrigation system. Water collected to storage is used for the purposes listed below, including the irrigation of 344 acres of turf grass and 8 acres of landscaping along the access roads from Lime Kiln Road to the Mountain Springs Golf Club which is located within the boundary of the Mountain Springs Community.

The project is located approximately 3 miles south of Sonora and 1½ miles southeast of Jamestown.

Summary of Application 31384

County: Tuolumne

Source: #1 through #5, Unnamed stream tributary to Sullivan Creek
#6 and #7, Flores Creek tributary to Curtis Creek thence Sullivan Creek
#8 and #9, Sullivan Creek tributary to Don Pedro Reservoir thence Tuolumne River.

Points of

Diversion: #1, located within the NE ¼ of NW ¼ of Section 24, T1N, R14E, MDB&M
#2, located within the NW ¼ of NE ¼ of Section 24, T1N, R14E, MDB&M
#6, located within the SW ¼ of SE ¼ of Section 18, T1N, R15E, MDB&M
#7, located within the SE ¼ of NE ¼ of Section 18, T1N, R15E, MDB&M
#8, located within the NE ¼ of NW ¼ of Section 24, T1N, R14E, MDB&M
#9, located within the NE ¼ of SW ¼ of Section 13, T1N, R14E, MDB&M

Amount: 99 acre-feet per year of storage.

Season: November 1 to May 31 for storage.

Purposes: Irrigation and Incidental Fire Protection.

Place of Use: Total of 352 acres as follows:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE ¼ of SW ¼	13	1N	14E	MD	13	Y
NE ¼ of SE ¼	13	1N	14E	MD	10	Y
SW ¼ of SE ¼	13	1N	14E	MD	40	Y
SE ¼ of SE ¼	13	1N	14E	MD	38	Y
NW ¼ of NE ¼	24	1N	14E	MD	6	Y
NE ¼ of NE ¼	24	1N	14E	MD	25	Y
NW ¼ of SW ¼	18	1N	15E	MD	14	Y
NE ¼ of SW ¼	18	1N	15E	MD	24	Y
SW ¼ of SW ¼	18	1N	15E	MD	31	Y
SE¼ of SW ¼	18	1N	15E	MD	40	Y
NW ¼ of SE ¼	18	1N	15E	MD	5	Y
SW ¼ of SE ¼	18	1N	15E	MD	30	Y
SE ¼ of SE ¼	18	1N	15E	MD	4	Y
NW ¼ of NW ¼	19	1N	15E	MD	37	Y
NE ¼ of NW ¼	19	1N	15E	MD	27	Y
				Total	344	

Landscaping along access roads within the following ¼ ¼ sections:

					If Irrigated
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Use Within	Section	Township	Range	B & M	Number of Acres	Presently Cultivated (Y/N)
SW ¼ of SE ¼	7	1N	15E	MD		
NE ¼ of NW ¼	18	1N	15E	MD		
NW ¼ of NE ¼	18	1N	15E	MD		
SW¼ of NE ¼	18	1N	15E	MD		
SE ¼ of NE ¼	18	1N	15E	MD		
NE ¼ of SW ¼	18	1N	15E	MD		
NW ¼ of SE ¼	18	1N	15E	MD		
SW ¼ of NW ¼	17	1N	15E	MD		
				Total	8	

APPLICATION: 31443**Description of Project**

The applicant proposes to enlarge an existing onstream Reservoir #6 located on Flores Creek. Reservoir #6 will have a 33-foot-high dam forming a 100 acre-feet capacity with a surface area of 8.2 acres. The total storage at Reservoir #6 consists of 51 acre-feet to be collected under Application 31443 and 49 acre-feet to be collected under Application 31384. Similar to Application 31384, water diverted at Reservoir #6 will be conveyed through, but not stored in, Reservoirs 3, 4, and 5 for off-stream storage, at existing Reservoirs #1 and 2. Water collected to storage is used for the purposes listed below, including the irrigation of the same 352 acres under Application 31384.

The project is located approximately 3 miles south of Sonora and 1½ miles southeast of Jamestown.

Summary of Application 31443

County: Tuolumne.
Source: Flores Creek tributary to Curtis Creek thence Sullivan Creek thence Don Pedro Reservoir thence Tuolumne River.
Points of
Diversion: #6, located within the SW ¼ of SE ¼ of Section 18, T1N, R15E, MDB&M
#7, located within the SE ¼ of NE ¼ of Section 18, T1N, R15E, MDB&M
Amount: 51 acre-feet per year of storage.
Season: November 1 to May 31 for storage.
Purposes: Irrigation, Incidental Recreation and Fire Protection
Place of Use: Total of 352 acres, same as Application 31384.

Environmental Information

The SWRCB has been informed that Tuolumne County is the lead agency, pursuant to the California Environmental Quality Act (CEQA), and has prepared an Environmental Impact Report. If you are not filing a protest, but wish to submit information not covered in the lead agency's environmental document that indicates that the project may cause a significant effect on the environment, please send this information immediately to Steven Herrera; SWRCB, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION**Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division's website at www.waterrights.ca.gov/forms/ or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the 40th day after the date of this notice (the close of the protest period). Protests may be submitted by any of the

following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" project (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Yoko Mooring by phone at (916) 341-5362 or by electronic mail at ymooring@waterrights.swrcb.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **November 5, 2004**